

DETAILED ACTION

1. This is in response to applicant's amendment wherein claims 20 and 21 have been amended. Therefore, claims, 14-26 are pending.

Election/Restrictions

2. This application is in condition for allowance except for the presence of claims 14-19 and 24-26 directed to species and inventions respectively non-elected without traverse.

Accordingly, claims 14-19 and 24-26 have been cancelled.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Kevin M. McKinley on June 18, 2010.

The application has been amended as follows:

- a. Claim 20, line 3, "an assembly" has been changed to
--an upper assembly--.
- b. Claim 20, lines 5-6, "an external breathable upper, an internal lining, and a breathable and waterproof membrane located between said upper and lining;" has been changed to

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--said upper assembly including an external breathable upper, an internal lining, and a breathable and waterproof membrane located between said external breathable upper and said lining;--.

c. Claim 20, line 13, "said upper" has been changed to

--said external breathable upper--.

d. Claim 20, line 15, "said assembly only at said upper" has been changed to

--said upper assembly only at said external breathable upper--.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MELISSA L. LALLI whose telephone number is (571)270-5056. The examiner can normally be reached on Monday-Friday 7:30 AM-5:00 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (571) 272-4562. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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5. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MLL
6/18/10

/Mickey Yu/
Supervisory Patent Examiner, Art
Unit 3728